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16 Counsel for Defendants  
 17 PACIFIC STATES INDUSTRIES, INC. and  
 NORTH CLOVERDALE BLVD., LLC

20 RUSSIAN RIVERKEEPER,

21 Plaintiff,

22 vs.

23 PACIFIC STATES INDUSTRIES, INC.,  
 24 NORTH CLOVERDALE BLVD., LLC;

25 Defendants.

26 Case No. 3:07-cv-05393-JCS

27 PARTIES' JOINT STATUS REPORT

28 Conference Date: May 19, 2008

Time: 3:00 p.m.

Courtroom: Courtroom A, 15th Floor

Before: Hon. Marilyn Hall Patel

1        This Joint Status Report is submitted on behalf of Plaintiff Russian Riverkeeper  
 2 ("Riverkeeper" or "Plaintiff") and Defendants Pacific States Industries, Inc. and North  
 3 Cloverdale Blvd., LLC (collectively "Defendants").

4        **1. Procedural Status:**

5        The initial case management conference took place on February 25, 2008. The  
 6 Court set a further status conference for May 19, 2008 in order to allow the court-ordered  
 7 mediation to take place. Due to the parties' schedule conflicts and the mediator's schedule,  
 8 the mediation will not take place until May 16, 2008. The parties, therefore, are not in a  
 9 position to ascertain the likelihood of a settlement at this time, but will be able to more  
 10 fully report to the Court at the status conference on May 19<sup>th</sup>.

11        **2. Discovery Status:**

12        The case remains in its initial stages. Plaintiff has propounded interrogatories,  
 13 requests for admissions and documents. There have been numerous meet and confer  
 14 discussions and the parties appear to have resolved most outstanding issues. The parties  
 15 have also agreed to the circumstances under which a wet weather inspection may take  
 16 place; however, since the Court's issuance of the February 25, 2008 minute order  
 17 concerning the wet inspections, very little rain has fallen at the Facility during working  
 18 hours

19        **3. Scheduling Issues:**

20        The Parties have focused on discovery issues and the scheduled mediation.

21        Defendants request the opportunity to submit a proposed scheduling order within 30  
 22 days following the case management conference in the event the mediation proves  
 23 unsuccessful. Defendants wish to have additional time to confer with Plaintiff on the issue  
 24 of whether a multi-step process or bifurcation process is the appropriate mechanism.

25        Plaintiff continues to believe that the discovery and trial schedule it proposed in the  
 26 February 15, 2008 Joint Status Report is appropriate.

1 Dated: May 12, 2008

LAW OFFICES OF ANDREW L. PACKARD  
LAWYERS FOR CLEAN WATER

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By: /s/ \_\_\_\_\_  
Andrew L. Packard  
Michael P. Lynes  
Attorneys for Plaintiff  
RUSSIAN RIVERKEEPER

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7 Dated: May 12, 2008

8 STANZLER FUNDERBURK & CASTELLON LLP

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By: /s/ \_\_\_\_\_  
Ruben S. Castellon  
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PACIFIC STATES INDUSTRIES, INC. AND  
NORTH CLOVERDALE BLVD, LLC

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